

To: Levine, Carolyn[Levine.Carolyn@epa.gov]
Cc: Bodine, Susan (EPW)[Susan_Bodine@epw.senate.gov]; Jackson, Ryan (Inhofe)[Ryan_Jackson@inhofe.senate.gov]
From: Brown, Byron (EPW)
Sent: Wed 8/19/2015 8:28:51 PM
Subject: RE: Gold King

Hi Carolyn – I saw the subsequent announcement about asking DOI to conduct the evaluation (pasted below). I am still looking for information on why EPA asked DOI to conduct the review – and not another agency or the EPA OIG – and for a copy of any formal request to DOI and other documentation that would explain the scope of review or charge questions to DOI.

Thanks. - Byron

EPA Announces U.S. Department of the Interior to Lead Independent Review of Gold King Mine Release

Review to include analysis of the cause of release, contractor activities and lessons learned for use on ongoing and planned projects

WASHINGTON - EPA announced today the U.S. Department of the Interior (DOI) will lead an independent assessment of the factors that led to the Gold King Mine incident on August 5, 2015, in Colorado that affected the Animas and San Juan rivers. The assessment begins today, Tuesday, August 18, and it is anticipated that DOI will provide the assessment report to EPA and the public within 60 days.

The goal of DOI's independent review is to provide EPA with an analysis of the incident that took place at Gold King Mine, including the contributing causes.

Details about the independent review will be made available by DOI when they become available.

In addition to the independent review, EPA is conducting its own internal technical examination of the incident. Both reviews will help inform ongoing and planned site assessments, investigations, and construction or removal projects.

From: Levine, Carolyn [mailto:Levine.Carolyn@epa.gov]
Sent: Monday, August 17, 2015 2:55 PM
To: Brown, Byron (EPW)
Cc: Bodine, Susan (EPW); Jackson, Ryan (Inhofe)
Subject: Re: Gold King

Hi Byron,

Here is the link to the OIG action memo on their website, I should have an update to respond to some of the Qs below this afternoon.

http://www.epa.gov/oig/reports/notificationMemos/newStarts_08-17-15_GoldKingMine.pdf

Carolyn Levine

U.S. EPA

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On Aug 17, 2015, at 2:07 PM, Brown, Byron (EPW) <Byron_Brown@epw.senate.gov> wrote:

Hi Carolyn – The FAQs on the EPA website states, “EPA is in the process of initiating an independent assessment by a sister federal agency or another external entity to examine the factors that led to the Gold King Mine incident. Based on the outcome from that assessment, EPA will determine what actions may be necessary to avoid similar incidents at other sites.”

What is the process for identifying and selecting the entity to conduct an independent assessment? Where is EPA in that process? Which entities or agencies is EPA contacting, and has one been selected? What are the qualifications and expertise EPA is looking for is selecting the entity to do the assessment? What is the timing for completing this assessment? Is there a letter or other documentation from EPA to the entity memorializing the agreement or scope to do the assessment, and if so, can we get a copy? And did EPA consider requesting the OIG to conduct the assessment? If not, why? And if yes, why is the OIG not doing the assessment?

Thanks.

From: Bodine, Susan (EPW)
Sent: Monday, August 17, 2015 12:22 PM
To: Levine, Carolyn
Cc: Brown, Byron (EPW); Jackson, Ryan (Inhofe)
Subject: RE: Gold King

Thank you Carolyn.

We are still looking for the pre-spill time line as well as the steps taken post spill to notify tribes, states, and local governments. We also would like copies of the regulatory/enforcement actions taken.

Pre-spill:

It appears that EPA started work to open Gold King in 2014, and ran out of time in the

construction season and decided to come back.

It also appears that EPA conducted borings and other investigations in 2010 before opening up Red and Bonita to reduce risk of a blow out – but it does not look like similar actions were taken at Gold King. Can you ask Steve Way what preliminary work they did at Gold King to make sure it was safe to open the portal?

It also appears that the issue of possible inter-connectivity between Red and Bonita and Gold King was known and the possibility of groundwater rising to discharge at Gold King was flagged.

One major concern is the unknown groundwater inter-connectivity between the R&B work and the nearby Gold King Mine. Although there are no known man made connections such as adits, raises or stopes, without direct knowledge of the final extent and configuration of the workings, these types of connections could exist. It is more likely that there are at least a few deep, discrete groundwater-bearing structures that are intersected by both mines, and the possibility exists that plugging the R&B adit level could force the local groundwater system to rise high enough along these pathways such that discharge increases at the Gold King Portal.

http://www.epaosc.org/sites/8417/files/RedandBonita%20Adit_Field%20Activities%20Report.pdf

How complete was the work at Red and Bonita by August 5? Was the discharge there already partly or wholly cut off (such that groundwater would seek another preferential pathway)?

Post-spill:

When did EPA notify downstream water users?

Regulatory/Enforcement

We already have the October 2008 consent decree with Standard Metals. Civil Action No. 08-cv-02741-MSK-KMT. Under that consent decree, the U.S. had the option to take title to property. Did the U.S. ever take title to any of the Standard Metals properties?

We already have the 2011 Access AOC (CERCLA-08-2011-0008) with Hennis/San Juan Corp.

Can you provide:

1. Confidential enforcement memo accompanying the Sept 24, 2014 removal action memo.
2. 1996 agreement between Sunnyside Mines (or Echo Bay) and the Colorado Water Quality Control Division.
3. 2002 settlement among Hennis (San Juan Corp), Sunnyside (Echo Bay), and Steve Fearn (Gold King Mining Corp)

From: Levine, Carolyn [<mailto:Levine.Carolyn@epa.gov>]
Sent: Friday, August 14, 2015 5:17 PM
To: Bodine, Susan (EPW)
Subject: RE: Gold King

Susan,

Below is a response to your question about the work at the Gold King Mine. We are still working on the other questions. Please let me know if you have further questions.

The recent work at the Gold King Mine was the initial activities being conducted as part of a removal site assessment. The plan was to re-open the Gold King Mine portal and workings to investigate the conditions to assess the on-going releases. This included the extraction of an unknown amount of water ponded behind the portal debris blockage, followed by removal of the blockage and stabilization of the portal opening.

When completed, the assessment would identify and characterize specific water flows into the mine and evaluate potential means to mitigate those flows if possible. This evaluation was being performed in parallel with the time-critical removal action at the Red and Bonita Mine in order to observe possible changes in the discharge at the Gold King Mine that may be caused by the installation of the bulkhead at the Red and Bonita this summer. The bulkhead was scheduled to be completed this Fall.

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From: Bodine, Susan (EPW) [mailto:Susan_Bodine@epw.senate.gov]

Sent: Thursday, August 13, 2015 10:11 AM

To: Levine, Carolyn

Subject: Gold King

Carolyn,

Please confirm that the time critical removal action that included the work at Gold King was the action to install a plug at the Red and Bonita mine (fact sheet attached; Sept 24, 2014

action memo was too big to send).

When was the installation of that plug complete?

Susan Parker Bodine

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